



City of Naples

Naples City Council Meeting Agenda
August 13, 2015 - 7:30 p.m.
1420 East 2850 South
Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - July 23, 2015 Regular Council Meeting
3. Any follow up matters from meeting of July 23, 2015
4. Approval of Bills - Connie Patton
5. Business License Approval - Southam Inspections 2982 S 670 E
6. Consideration to Adopt Changes to Chapter 02-31-014 Design Standards, Area and Access Requirements of the Land Use Ordinance - Ordinance No. 15-173
7. Consideration to Adopt Changes to Chapter 02-28-005 Industrial Zone Special Provisions of the Land Use Ordinance - Ordinance No. 15-170
8. Convene into the Local Building Authority of Naples City, Utah to Authorize Payment to B.H.I. for Naples Fire Station Contract - Application No. 1
9. Reconvene into Regular City Council Meeting.
10. Consider Request to Release Park City Property to Pheasant Run Estates One, LLC
11. Approve Expenditure for 2500 South Repair
12. Election to Become a Participating Employer in the Public Employees's Noncontributory Retirement System - Resolution 15-280
13. Travel and Training Approval - Police Department
14. Travel and Training Approval - City Administrator
15. Travel and Training Approval - Mayor
16. Other Matters/Future Council Matters
BTA Questionnaire
17. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express. The agenda was also posted in the City Hall lobby, outside the door of the City Office building, on the City's website www.naplescityut.gov, and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

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Naples: City Council

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Entity: Naples

Body: [City Council](#)

Subject: Business

Notice Title: Naples City Council

Notice Type: Meeting

Event Start Date & Time: August 13, 2015 7:30 PM

Event End Date & Time: August 13, 2015 9:00 PM

Description/Agenda:

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Meeting Location:

1420 East 2850 South
Naples , 84078

[Map this!](#)

Contact Information:

Nikki Kay
4357899090
nkay@naples.utah.gov

Audio File Address

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Meetings are held at 1420 East 2850 South, Naples, UT.

Notice of Electronic or telephone participation:

n/a

Other information:

This notice was posted on: August 12, 2015 02:51 PM

This notice was last edited on: August 12, 2015 02:51 PM

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Naples: Local Building Authority of Naples City, Utah

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Entity: Naples

Body: [Local Building Authority of Naples City, Utah](#)

Subject: Business

Notice Title: Naples Building Authority

Notice Type: Meeting

Event Start Date & Time: August 13, 2015 7:45 PM

Event End Date & Time: August 13, 2015 7:50 PM

Description/Agenda:

1. Rollcall
2. Approve Minutes of July 23, 2015
3. Approve Payment to B.H.I. for Naples Fire Station Contract - Application No. 1
4. Motion to Adjourn

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Notice of Electronic or telephone participation:

Not applicable

Other information:

This notice was posted on: August 12, 2015 03:03 PM

This notice was last edited on: August 12, 2015 03:03 PM

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Meeting Location:

1420 East 2850 South
Naples , 84078

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Contact Information:

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Naples City Council

July 23, 2015

Minutes

The regularly scheduled meeting of the Naples City Council was held July 23, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Jim Harper, David Calder, Mason Walk, Cable Murray, Jonathan Hernandez, Erik Hernandez, Conner Bell, Mark Watkins, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Dan Olsen **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the July 9, 2015 regular City Council meeting for approval. Dennis Long **moved** to accept the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Kitchen asked Nikki about the meeting with Utah Retirement Systems for the non-contributory system. Nikki said the meeting will be held on August 6, 2015.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Councilman Reynolds asked about the fill dirt for the lot by the school. Joshua stated they have discussed it but didn't say anything to anyone because they were waiting to receive the bids for the golf course corner and didn't want anything to influence those. He said they will be working on it.

Nikki Kay presented the bills in the amount of \$61,802.48. Dennis Long **moved** to approve \$61,802.48. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dan Olsen **moved** to convene into a meeting of the local building authority. Robert Hall **seconded** the motion. The motion passed with all voting aye. The local building authority convened into meeting to execute the contract for the Naples Fire Station.

Dan Olsen **moved** to reconvene back into regular city council meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Joshua Bake submitted the costs associated with the ground breaking ceremony for the fire station. Joshua said everyone seemed to enjoy the ceremony and the attendance exceeded their expectations. Joshua said they used every hamburger and hot dog they purchased. Councilman Olsen complimented him for the good job in organizing it. Joshua presented a total of \$631.98 for the event. Dan Olsen **moved** to approve the expenditures for the ground breaking. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dennis Long **moved** to table the discussion for the 500 South 2000 East road project as no one from Timberline Engineering was present.

Council members received a copy of Resolution 15-279 in support of HB 362 authorizing a 0.25% local option general sales tax dedicated to transportation. Mayor Baker stated the

APPROVAL OF THE BILLS

CONVENE INTO LOCAL BUILDING AUTHORITY MEETING FOR THE PURPOSE OF EXECUTING THE CONTRACT FOR THE FIRE STATION

A P P R O V E EXPENDITURES FOR NAPLES GROUND BREAKING CEREMONY

AWARD BID FOR NAPLES C I T Y R O A D IMPROVEMENT PROJECT 500 SOUTH 2000 EAST

RESOLUTION 15-279 IN SUPPORT OF HB 362 AUTHORIZING A 0.25%

County has asked the City to send a resolution of support for the sales tax proposal and they are planning to put the matter on the ballot for the November election. Mayor Baker stated Senator VanTassell and the ULCT were both very active in trying to get HB362 passed. Councilman Kitchen raised several questions about what was included in the Resolution. He said it is a resolution in support of increasing taxes for transportation and he wanted to know if the City has a comprehensive transportation plan. Councilman Kitchen said the Uintah Basin transportation van does not stop in Naples City. Mayor Baker said there has been talk about adding a stop in this area and maybe they could add that as a stipulation, the City would support it if there could be a stop in Naples City. Councilman Kitchen raised his concern about raising taxes without there being a direct benefit to the citizens. He also stated his concern about including ideas of bike lanes and trails and wondered if people would take that as a promise because we don't have a comprehensive plan that includes those things. Joshua Bake stated those are projects he would like to have the City do, he stated he would really like to see areas of the city interconnect. He said it is included in the Resolution because those are projects the City would like to do if they had the funds to do it. Councilman Kitchen wanted to know if the City should have the plan in place first because if this passes and the City starts collecting money there needs to be something in place to spend the money where we say we will spend it. He wanted to know if the funds would be tied just to roads or if they could use the money to put in sidewalks in the City. Joshua said the Resolution is just a sample from ULCT and the Council can choose to cut out those things they don't want. Joshua said it looks to him like it would include sidewalks but he couldn't tell him that for certain. Councilman Kitchen said he can't see the County lobbying to pass the tax and it would fall to the cities to push it forward. Mayor Baker stated ULCT wants the cities to give their support to the counties to have the proposition included on the ballots for this year. Nikki Kay said the Resolution mentions sidewalks and didn't see why those wouldn't be included. Mayor Baker felt this Resolution was more of showing support to have it placed on the ballot and not outlining "what" the City was going to do. Mayor Baker recognized Glade Allred who wanted to know why they couldn't list it as "transportation infrastructure." Councilman Olsen wanted to know why they couldn't leave out all of the "whereas" clauses except for the last one that states the City is in support of this. Council members discussed leaving in

***LOCAL OPTION GENERAL
SALE TAX DEDICATED TO
TRANSPORTATION***

the first three sections of the second part of the Resolution and to combine sections four and five. Councilman Hall said he would like to see them leave things very general in order to keep people from asking where their bike paths or trails are if the tax passes. Councilman Kitchen said he would feel better if they kept things general and came back at a later date and made a comprehensive plan. Joshua stated the purpose of the Resolution is to give all the justifications as to why we support it. He said the purpose is to show why the city doesn't want to be using our general fund on our roads and what the City could do if they had more money. He said the key is to show what we "could" do and not what we "are" going to do if the funds were there. He said the Resolution should list why we are supporting it and not just that we are supporting it. Councilman Kitchen said something along those lines could be included that states the City is in support of this in order to use general funds for other needed projects and not just for roads. Councilman Kitchen said they could leave sections one, two and three and to combine information from sections four and five as discussed. Kenneth Reynolds **moved** to approve this Resolution with the changes discussed. Dennis Long **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Robert Hall **moved** to go back to item eight on the agenda. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Cable Murray with Timberline Engineering handed out the bid sheet for the construction improvements of 500 South 2000 East. Mr. Murray stated it was about four weeks ago they received approval to go out to bid for the construction improvements at 500 E 2000 S to tie in some of the improvements done by the golf course. Mr. Murray said he was very excited about the bids they received and each of the bidders has a local office here in the Basin. Mr. Murray said they set the bids up with a base bid and some alternatives that included additional sidewalk and ornamental fencing. Mr. Murray said the numbers represent the base bid with the two additions. He said the engineer's estimate was \$520,000 and the budget amount was \$500,000. He said

***MOTION TO MOVE BACK
TO ITEM EIGHT AND
AWARD BID FOR 500
SOUTH 2000 EAST
PROJECT***

they sat down and reviewed them all, worked through the totals to make sure the math was correct and it came out with Stubbs and Stubbs as the lower bidder at \$482,459.14. Mr. Murray said they are happy with the bids and they were all very competitive. He said after reviewing the numbers and the unit prices they are confident the contractor is qualified and can do the job for the price shown. Mr. Murray recommended the Council award the construction contract to Stubbs and Stubbs Construction. Mr. Murray recommended they issue the notice of award on Monday and that would give them the ten days to get their performance bonds together and then they can issue the notice to proceed. Gordon Kitchen **moved** to approve the recommendation and to award the contract to Stubbs and Stubbs with the notice to go out on Monday. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Mark Watkins presented several travel requests for the police department. He requested approval to send Officer Simper to training for the drug task force, Officer Fishler to attend the Taser Instructor Course, Kim Kay for the annual BCI TAC training and also a Forensic Death Investigation seminar, and for Lieutenant Cox to attend the AR Armorers course. The total for all the requested travel was \$2,820.32 which Chief Watkins said was in his budget. Dennis Long **moved** to approve all of the requests. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper submitted a request for Ryan Cook and Szeth Simmons to attend the Snow Fighters Conference in Saratoga Springs. He stated this is a one day conference and they will go out and back the same day. Jim stated this would be a good conference for them to attend with

***TRAVEL AND TRAINING
APPROVAL FOR POLICE
DEPARTMENT***

***TRAVEL APPROVAL FOR
ROAD DEPARTMENT***

professional speakers. The requested amount was \$80. Kenneth Reynolds **moved** to approve the \$80 for the one day travel. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Jim Harper requested \$720.80 plus shipping to purchase sweeper parts in order to repair the sweeper. Councilman Long asked about the cost of shipping. Jim stated he didn't know how much it would be. Dennis Long **moved** to approve up to \$800 for the parts and shipping. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Mason Walk reported to the Council on the progress of the west parking lot at Naples park. He said they were able to get the lot cleaned and sealed over the weekend. Mason said he worked with the fire department over the weekend and they removed piles and piles of dirt but Mark Allred wasn't sure it was what he needed to seal the lot so he went ahead and cleaned it himself just to make sure it was all right. Mason said they tried to save money by cleaning it themselves but it didn't quite work out. He said the cost for Mr. Allred to clean it was \$2,100 and he has not been paid for that. Mayor Baker had Mason tell the scouts in attendance what he was doing at this meeting. Mason told them he was working on his eagle scout project, what the project is and what he has completed on his project to this point. Mason said he is planning to paint on July 31st and August 1st. He said the City is providing the paint and tools to paint it. Councilman Hall stated that Mr. Allred stated he would clean the lot with no expectation of payment but he wanted to make sure it was done right. Councilman Hall said he felt it only right to make payment to Mr. Allred. Councilman Kitchen said it looks really nice and he feels it will be worth the cost. Kenneth Reynolds **moved** to approve

***A P P R O V E
EXPENDITURES FOR
SWEEPER***

***DISCUSS AND APPROVE
PAYMENT FOR PARK
PARKING LOT***

the \$2,100. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker took a moment and had the boy scouts who were in attendance at the meeting introduce themselves. He asked them to state what merit badge they were working on and what rank they held.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

Mayor Baker reported that Dean Edwards with USU has moved back his presentation to the Council to the second meeting in August.

Kenneth Reynolds **moved** to adjourn the City Council meeting at 8:30 p.m. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 13th DAY OF AUGUST 2015

BY: _____

ATTEST: _____

Report Criteria:

Invoices with totals above \$0.00 included.
Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22250 WORKMENS COMPE	1084	Utah Local Gov't Ins. Trust	Workers Comp	1084-815WC	07/30/2015	1,186.64
10-22500 HEALTH INSURANCE	22	American Family Life Assurance	Insurance Premium/employee w/h	158565	07/25/2015	707.82
10-22500 HEALTH INSURANCE	410	HealthEquity, Inc.	HSA Monthly Fees	B6AGWE	08/01/2015	38.35
10-22500 HEALTH INSURANCE	1084	Utah Local Gov't Ins. Trust	Health Insurance Premium	1084-815	07/30/2015	521.35
Total :						2,454.16
42-40-263 PARKING LOTS/ASP	14	Allred Seal Coating	Clean parking lot	248530	08/03/2015	2,100.00
Total EXPENDITURES:						2,100.00
10-43-250 VEHICLE MAINTENA	627	Naples Car & Truck Wash	Car washes	233248	08/01/2015	9.00
10-43-251 FUEL & OIL	1174	Pilot Travel Centers, LLC	Monthly fuel purchases	219059989	08/03/2015	50.18
Total CITY ADMINISTRATOR:						59.18
10-50-250 C. HALL BLDG EQUI	341	Fastenal Company	Batteries	UTVER63233	07/29/2015	27.95
10-50-260 GROUNDS EQUIP/S	903	Strawberry River Enterprises	Lawn care	903-615	07/01/2015	405.00
10-50-260 GROUNDS EQUIP/S	903	Strawberry River Enterprises	Lawn care	903-715	07/31/2015	810.00
10-50-260 GROUNDS EQUIP/S	1147	Vernal Winnelson Company	Pipe & fittings	360745	07/15/2015	268.04
10-50-260 GROUNDS EQUIP/S	1147	Vernal Winnelson Company	Pipe & fittings	361167	07/15/2015	8.45
10-50-260 GROUNDS EQUIP/S	1147	Vernal Winnelson Company	Pipe & fittings	361731	07/22/2015	13.70
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing	0475-715SH	07/31/2015	56.00
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing	0476-715SB	07/31/2015	56.00
10-50-270 UTILITIES - SHOP	760	Questar Gas	Monthly Gas Service	2076-716OF	07/29/2015	19.12
10-50-270 UTILITIES - SHOP	760	Questar Gas	Monthly Gas Service	5668-715SH	07/29/2015	13.61
10-50-270 UTILITIES - SHOP	1099	Rocky Mountain Power	Monthly Electric Service	0186-615SH	07/17/2015	256.13
10-50-271 UTILITIES - CITY HAL	46	Ashley Valley Water & Sewer	Water and sewer billing	1050-715OF	07/31/2015	294.65
10-50-271 UTILITIES - CITY HAL	622	Mt. Olympus Waters	Equipment Rental	102094540717	07/17/2015	47.59
10-50-271 UTILITIES - CITY HAL	760	Questar Gas	Monthly Gas Service	4475-715GEN	07/30/2015	22.38
10-50-271 UTILITIES - CITY HAL	760	Questar Gas	Monthly Gas Service	8966-715WW	07/29/2015	7.16

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-50-271	UTILITIES - CITY HAL	775 RDT, Inc.	Garbage Service	1118-815OF	07/31/2015	61.00
10-50-271	UTILITIES - CITY HAL	988 Strata Networks	Monthly Phone Service	2394222	07/31/2015	407.20
10-50-271	UTILITIES - CITY HAL	1099 Rocky Mountain Power	Monthly Electric Service	9526-715WW	08/04/2015	264.49
10-50-271	UTILITIES - CITY HAL	1099 Rocky Mountain Power	Monthly Electric Service	9596-715OF	07/17/2015	446.34
10-50-271	UTILITIES - CITY HAL	1107 Utah Department of Technology	Wide area network	601R2190037	07/31/2015	497.00
10-50-271	UTILITIES - CITY HAL	1107 Utah Department of Technology	Email accounts	601R2190038	07/31/2015	55.20
10-50-274	UTILITIES - ROADSID	46 Ashley Valley Water & Sewer	Water and sewer billing	0435-715RSP	07/31/2015	529.40
10-50-279	CELLULAR PHONE	988 Strata Networks	Cell Phone	2387714	07/31/2015	331.85
10-50-611	CLEANING SUPPLIE	902 Staples Advantage	Cleaning supplies	3272283832	07/21/2015	13.17
10-50-750	CAPITOL IMPROVEM	333 FFKR Architects	Naples Fire Station	14101.07	08/05/2015	13,629.60
Total GENERAL GOVERNMENT BUILDINGS:						18,541.03
10-51-240	OFFICE SUPPLIES A	902 Staples Advantage	Paper	3272283832	07/21/2015	98.62
10-51-240	OFFICE SUPPLIES A	902 Staples Advantage	Paper	3272283836	07/21/2015	7.12
10-51-250	EQUIPMENT, SUPPLI	1201 Xerox Corporation	Copy charges for M20i	80704970	08/01/2015	30.74
10-51-250	EQUIPMENT, SUPPLI	1201 Xerox Corporation	Copy charges for WC7845	80705033	08/01/2015	59.79
10-51-250	EQUIPMENT, SUPPLI	1201 Xerox Corporation	Copy charges for WC3550	80705034	08/01/2015	9.80
10-51-256	COMPUTER SUPPO	187 Caselle, Inc.	Annual support	66782	08/01/2015	6,175.00
Total SUPPLIES/EQUIPMENT:						6,381.07
10-52-220	ADVERTISE/NOTICE	1132 Vernal Express	Public Hearing - Land Use	76570	07/14/2015	50.25
10-52-245	COMPUTER SUPPLI	1006 Uintah County Recorder	Internet charges	37823	08/01/2015	10.00
Total PLANNING AND ZONING:						60.25
10-54-230	TRAVEL & PER DIEM	1210 Zion's First National Bank	Motel reservation - Cox	24275396	07/20/2015	169.25
10-54-250	VEHICLE MAINTENA	627 Naples Car & Truck Wash	Car washes	233281	08/01/2015	382.25
10-54-251	FUEL & OIL	202 Chevron U.S.A.	Monthly fuel purchase	45073925	08/06/2015	177.31
10-54-251	FUEL & OIL	570 Maverik, Inc.	Fuel & Oil	570-715	07/20/2015	213.72
10-54-332	MOBILE UNIT EXPEN	53 AT&T Mobility	Wireless Data Connections	287259274777	07/20/2015	290.81
10-54-470	UNIFORM ALLOWAN	874 Skaggs Companies, Inc.	STAR cards for uniforms	2521058RI	07/28/2015	1,554.75

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
Total POLICE DEPARTMENT:						2,788.09
10-57-270 UTILITIES - FIRE STA	760	Questar Gas	Monthly Gas Service	4568-715FD	07/29/2015	13.62
10-57-280 TELEPHONE	988	Strata Networks	Internet and phone service at Fire	2394222	07/31/2015	91.85
Total FIRE PROTECTION:						105.47
10-58-251 FUEL & OIL	1174	Pilot Travel Centers, LLC	Monthly fuel purchases	219059989	08/03/2015	48.85
Total BUILDING INSPECTOR:						48.85
10-59-223 PUBLIC RELATIONS	73	B.H. I.	Shovel	1007	07/24/2015	125.00
10-59-223 PUBLIC RELATIONS	283	Davis Jubilee	Ground breaking ceremony	160654	07/21/2015	389.41
10-59-223 PUBLIC RELATIONS	283	Davis Jubilee	Employee party	160666	08/03/2015	103.58
10-59-223 PUBLIC RELATIONS	283	Davis Jubilee	Employee party	227556	08/04/2015	42.27
10-59-223 PUBLIC RELATIONS	283	Davis Jubilee	Employee party	228392	08/04/2015	8.28
10-59-223 PUBLIC RELATIONS	283	Davis Jubilee	Employee party	234955	07/22/2015	143.94
10-59-223 PUBLIC RELATIONS	1018	Uintah Packing Co	Meat for Picnic	1296	08/04/2015	60.00
10-59-223 PUBLIC RELATIONS	1210	Zion's First National Bank	Camera for fire station	24692166	07/23/2015	225.46
Total EDUCATION & PROMOTION:						1,097.94
10-60-231 SAFETY & EDUCATI	839	Safety Services Company	Manual Maintenance	639579	07/21/2015	399.98
10-60-250 EQUIPMENT REPAIR	106	Basin Saw, Inc.	Chair saw repair	93022	07/22/2015	35.00
10-60-250 EQUIPMENT REPAIR	341	Fastenal Company	Sheet metal screws	UTVER63219	07/28/2015	2.08
10-60-250 EQUIPMENT REPAIR	1190	Windriver Wireless	Radio hookup	15-9151	07/27/2015	94.99
10-60-251 FUEL & OIL	570	Maverik, Inc.	Fuel & Oil	570-715	07/20/2015	296.92
10-60-251 FUEL & OIL	1174	Pilot Travel Centers, LLC	Monthly fuel purchases	219059989	08/03/2015	161.69
10-60-253 VEHICLE MAINTENA	277	Dan's Tire Service	Front end alignment	200013	07/22/2015	89.00
10-60-257 EQUIPMENT RENTA	677	Outback Rental	Trencher	28543	07/15/2015	54.00
10-60-259 VEHICLE MAINTENA	700	Perry Motor Company	Wiper	5010543	07/22/2015	53.28
10-60-269 STREET SWEEPER	451	Intermountain Sweeper	Seal transition assembly & switch	97659	07/30/2015	743.80
10-60-269 STREET SWEEPER	682	FleetPride	Filters	69968184	07/21/2015	263.92
10-60-274 TOOLS & SUPPLIES	341	Fastenal Company	Paint rollers	UTVER63350	08/06/2015	19.94

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-60-275	STRIPING OF STREE	487 Jones Paint & Glass, Inc.	Paint	VNI0007373	07/29/2015	461.86
10-60-275	STRIPING OF STREE	487 Jones Paint & Glass, Inc.	Paint	VNI0007638	08/04/2015	107.39
10-60-275	STRIPING OF STREE	487 Jones Paint & Glass, Inc.	Paint	VNI0007750	08/06/2015	33.78
10-60-275	STRIPING OF STREE	487 Jones Paint & Glass, Inc.	Paint	VNI0007848	08/10/2015	400.90
10-60-278	BLUE STAKES	139 Blue Stakes of Utah	Monthly fax notifications	UT201501916	07/31/2015	114.39
10-60-282	ROADSIDE PARK MA	448 Intermountain Farmers Assoc.	Fertilizer	1005792540	08/03/2015	490.00
10-60-470	WORK SHIRTS/SAFE	341 Fastenal Company	Gloves	UTVER63233	07/29/2015	4.61
10-60-610	MISCELLANEOUS S	1153 Wal-Mart Super Center	Trash bags & water	9808	08/04/2015	33.63
Total HIGHWAYS:						3,861.16
10-68-270	UTILITIES-STREET LI	1099 Rocky Mountain Power	Monthly Electric Service	1546-715ST	07/31/2015	2,140.11
10-68-270	UTILITIES-STREET LI	1099 Rocky Mountain Power	Monthly Electric Service	1546-715ST4	08/05/2015	26.79
10-68-272	REPAIRS - STREET L	223 Codale Electric Supply	Street light box	S5439192.001	07/17/2015	163.13
Total STREET LIGHTS:						2,330.03
10-70-263	PAVILION MAINTENA	223 Codale Electric Supply	Outlet cover	S5449455.001	07/27/2015	42.96
10-70-271	UTILITIES OF EAST	46 Ashley Valley Water & Sewer	Water and sewer billing	1128-715PK	07/31/2015	110.49
Total PARKS:						153.45
Grand Totals:						39,980.68

Report Criteria:

Invoices with totals above \$0.00 included.
Only unpaid invoices included.

August 13, 2015

MEMO TO: Naples City Council

FROM: Joshua Bake, City Administrator 

SUBJECT: Land Use Ordinance Change re: Section 02-31-014 **Design Standards, Area and Access Requirements** – *Minimum Street Width*

Recommendation:

That the City Council approve an ordinance change regarding the Section 02-31-014 Design Standards, Area and Access Requirements – Minimum Street Width, per the Planning Commission's recommendation, to allow a reduction in the required road width, it is also recommended that the requirements for sidewalks on both sides be left in the ordinance as it currently reads in agreeance with the Planning Commission's recommendation for safety and liability concerns.

Summary:

Mr. Ray Nash presented a proposal to amend the land use ordinance Section 02-31-014 Design Standards, Area and Access Requirements – Minimum Street Width. There were a couple of options in the packet for discussion on the necessity and needs to have certain road widths and the situation when a narrowed road could be applicable. This issue has been discussed at length between Mr. Nash and the City. After a lengthy discussion from the Planning and Zoning is was recommended that the ordinance be changed.

The Naples City Planning Commission's recommendations are below:

02-31-014 has the following changes:

DESIGN STANDARDS, AREA AND ACCESS REQUIREMENTS

F. Minimum street width

Streets shall have a minimum width of 40 feet of asphalt. All streets and alleys must conform to the requirements detailed in the currently adopted addition of the 2009 International Fire Code, Appendix D – Fire Apparatus Access Roads. A reduction in the minimum width of asphalt of any street or portion thereof serving a residential property may be approved by the Land Use Administrator if the following apply and are addressed:

1. The reduction is justified by a special consideration such as topography;
2. The reduction has been specifically approved by the fire Marshall;
3. The length of the street or portion thereof is less than 0.1 mile;
4. No parking is allowed on the reduced section and no parking signs shall be legally posted on the reduced section;
5. The asphalt width may not be reduced to less than 26 feet; and
6. The reduced roadway width shall not satisfy the required frontage for the lot.

August 13, 2015

MEMO TO: Naples City Council

FROM: Joshua Bake, City Administrator 

SUBJECT: Land Use Ordinance Change re: Section 02-28-005 **Industrial Zone- Special Provisions**

Recommendation:

That the City Council approve an ordinance change regarding the Section 02-28-005 **Industrial Zone- Special Provisions**

Summary:

The Planning Commission has revisited this area many times over the past couple of months. Currently any industrial use that adjoins a residential use is required to construct a minimum six foot masonry wall.

It has been proposed that this might be cost prohibitive and stifle development when the purpose of the ordinance can be satisfied by another means. After lengthy discussion by the Planning and Zoning it is therefore recommended that changes be approved. After discussions with the City Attorney, Mr. Dennis Judd, it is recommended that the wording be clarified in a minor way beyond the original recommendation from the Planning and Zoning. This will not alter the intent of the Planning Commission, yet it may help alleviate future confusion. The differences are shown below:

Original Recommendations:

02-28-005 SPECIAL PROVISIONS

Where any industrial use adjoins any residential use, the owner of the industrial property shall provide and maintain along such property line a minimum six foot ascetically pleasing, vision obscuring, privacy fence or wall of a neutral color, with a minimum 90% fill to afford privacy for the residential dwelling. ~~ornamental masonry wall of a neutral color.~~ The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. Where the Planning Commission determines that such a fence is not necessary, or in the best interest of the public, the Planning Commission may alter or waive the fence requirement.

Proposed Changes with Edits:

02-28-005 has the following changes:

SPECIAL PROVISIONS

Where any industrial use adjoins any residential use, the owner of the industrial property shall provide and maintain along such property line a minimum six foot ascetically pleasing, vision obscuring, privacy fence or wall of a neutral color, with a minimum 90% fill to afford privacy for the residential dwelling. ~~ornamental masonry wall of a neutral color.~~ The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. Where the Planning Commission makes a finding that such a fence is not necessary, or in the best interest of the public, the Planning Commission may alter or waive the fence requirement. If a party disputes the findings of the Planning Commission they may appeal the decision to the Naples City Council.

V-1

Naples City Ordinance No. 15-170

An ordinance amending the Naples City Land Use Ordinance making changes in the Industrial Zone, *Special Provisions*, amending the standards for wall/fences separating residential use and industrial.

WHEREAS, the Naples City Planning Commission has considered proposed revisions to the Naples City Land Use Ordinance; and

WHEREAS, the Naples City Planning Commission has conducted duly noticed and open public meetings and hearings, considered the revisions to the Naples City Land Use Ordinance and Subdivision Ordinance on July 21, 2015; and

WHEREAS, the Naples City Planning Commission has found that the revisions set forth herein are in the best interest of the health, safety and welfare of the community, and will improve the land use management and subdivision development procedures in the City of Naples; and

WHEREAS, the Naples City Planning Commission has recommended the changes set forth herein to the Naples City Council; and

WHEREAS, the Naples City Council has in a duly noticed open meeting, and after a public hearing on July 21, 2015, considered the recommended changes;

NOW THEREFORE, be it ordained by the Naples City Council that:

1. The Naples City Land Use Ordinance is amended as follows (additions are underlined, deletions have a strikethrough):

02-28-005 has the following changes:

SPECIAL PROVISIONS

Where any industrial use adjoins any residential use, the owner of the industrial property shall provide and maintain along such property line a minimum six foot ascetically pleasing, vision obscuring, privacy fence or wall of a neutral color, with a minimum 90% fill to afford privacy for the residential dwelling. ~~ornamental masonry wall of a neutral color.~~ The fence shall be installed so as not to create a safety hazard for vehicular and pedestrian traffic. Where the Planning Commission determines that such a fence is not necessary, or in the best interest of the public, the Planning Commission may alter or waive the fence requirement.

All outside parking area shall be lighted during the evening business hours. All lights shall be directed away from adjacent residential areas.

Any use listed as a permitted use in the C or C-1 commercial zones, shall be a permitted use in the I-1 industrial zone, except for churches and schools, which

are not permitted. Hotels and motels are only permitted conditionally (see 02-28-004 #5).

--End of Ordinance Changes--

The revisions to the Ordinance set forth herein become effective upon filing in the office of the City Recorder, and posting in three public places in the City. These changes supersede prior inconsistent sections of the Naples City Land Use and Subdivision Ordinances as of the effective date of this Ordinance.

The changes set forth herein shall be inserted in, and incorporated into the Naples City Land Use Ordinance.

DATED this ____ day of _____, 2015.

Mayor

Attest:

City Recorder



City of Naples

PEOPLE SERVING PEOPLE

Naples City Building Authority Agenda
August 13, 2015 – 7:45 PM
1420 East 2850 South
Naples, UT 84078

1. Rollcall
2. Approve Minutes of July 23, 2015
3. Approve Payment to B.H.I. for Naples Fire Station Contract – Application No. 1
4. Motion to Adjourn

**Local Building Authority of Naples City
July 23, 2015
Minutes**

A meeting of directors of the Local Building Authority of Naples City a Utah nonprofit corporation was held at the Naples City Office on July 23, 2015, 7:45 p.m., 1420 East 2850 South, Naples, Uintah County, Utah.

***DATE, TIME & PLACE OF
MEETING***

The following were present: Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

MEMBERS ATTENDING

Also present were Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

President , Mayor Dean Baker welcomed everyone and called the meeting to order. He then asked for a roll call.

***WELCOME AND ROLL
CALL***

President Dean Baker presented the contract for the Naples Fire Station. Robert Hall **moved** to execute the contract for the Naples Fire Station. Dennis Long **seconded** the motion. The motion passed with all voting aye on roll call.

***APPROVE EXECUTION OF
THE CONTRACT FOR THE
NAPLES FIRE STATION***

Nikki Kay presented the two invoices from the attorneys to the board and asked for approval to request reimbursement from the CIB for those two invoices. The total amount being submitted for reimbursement was \$8,698. Dennis Long **moved** to approve the request. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***APPROVE REQUEST FOR
REIMBURSEMENT FROM
THE CIB***

With no other business before the Board, Robert Hall **moved** to reconvene back into regular City Council meeting. Dean Baker **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY THE BOARD ON THE 27th DAY OF AUGUST 2015

BY: _____

ATTEST: _____

August 13, 2015

MEMO TO: Naples City Building Authority

FROM: Joshua Bake, City Administrator 

SUBJECT: Approve Payment to BHI for Fire Station Work

Recommendation:

That the Naples City Building Authority approve invoice #110321 in the amount of \$108,350; for the progress and work on the Naples City Fire Station.

Summary:

The contractor, BHI, has submitted an application and certification for payment in the amount of \$108,350 for work on the Naples City Fire Station. This application and certification has been signed by the contractor as well as the architect, Justin Wallis of FFKR. It is recommended that payment be approved for this application.

MEMO TO: Joshua Bank, City Manager

FROM: Dale Peterson, Building Official 

OWNER: The Ritchie Group attention: Pheasant Run Estates One, LLC
1245 Brickyard Rd. Suite 70
Sale Lake City, UT 84106

SUBJECT:

Pheasant Run Estates Phase 1 and Phase 1A, Emergency vehicle lane.

COMMENTS:

Pheasant Run Estates One, LLC has established an Escrow bond Security Agreement dated May 9, 2007 with Heber Valley Bank held for the City of Naples in connection with the Pheasant Run subdivision improvements.

The work or improvements were required to construct a minimum 20 foot wide emergency vehicle lane to be built at 750 East, connecting 2680 south, Pheasant Run to 2850 south, High Country. It is understood that the lane is not suitable for development of adjoining lots and will only serve to provide emergency vehicle access. The road was to be constructed to support at least 75,000 lbs axel weight.

The owner has agreed to construct repair, maintain and/or replace said emergency vehicle lane at its sole cost and expense, repair any damage or defect in workmanship, materials or installation to the improvement which has been installed and leave the same in as good condition as when approved by the city. "Maintenance shall be by the owner" indefinitely, until a permanent road is constructed.

July 20, 2015 an inspection of the road revealed that a 20 ft wide paved emergency vehicle lane has been constructed using native asphalt at 750 East between 2680 south and 2850 south.

SUGGESTED ACTION:

The City recognizes that a emergency vehicle lane at 750 East in Pheasant Run subdivision has been constructed by Pheasant Run Estates One, LLC.

The emergency vehicle lane shall be identified by posting signs at each end of the lane stating emergency vehicles only – no parking – violators shall be subject to impound.

The emergency vehicle lane remains in private ownership.

Naples City release the Escrow bound security agreement.

Emergency Lane Vehicle Lane asphalt



5/28-18-20

Emergency Vehicle Lane - Asphalted



2680 South
750 East
Pleasant
Run



Second Addendum to Naples City Private Project Development Bond Secured by Real Property

Pheasant Run Estates One, LLC, (Developer) and Naples City, (City) previously entered into a "Naples City Private Project Development Bond Secured by Real Property."

That Agreement required, among other things, the construction of 750 East Street in the Pheasant Run Subdivision to connect to 750 East in the High Country Estates Subdivision, and required completion on or before June 1, 2014.

At the request of Pheasant Run Estates One, LLC, Naples City has agreed that the time for performance of the requirements set forth in that agreement is hereby extended by 90 days. The performances required of Pheasant Run One, LLC must be completed on or before September 1, 2015.

In consideration of the extension, Pheasant Run One, LLC and its successors and assigns hereby agree that the road to be constructed in accordance with the original agreement will be maintained by the developer or its successors until the permanent road, built in accordance with Naples City subdivision and road development standards, is completed. Developer shall at its expense undertake to do all things necessary to maintain the surface and integrity of the temporary road and to keep the road clear and passible, including removal of snow, weed control, surface repair, etc.

Developer, at its expense, will post signs on the road indicating that it is intended as an emergency access. The road will remain the property and responsibility of the Developer and shall not become a city road until such time as it is paved and constructed with curb gutter and sidewalk and otherwise is built to the development standards of the City. Developer hereby grants a permanent right-of-way and easement to Naples City for ingress and egress and in particular for use of emergency vehicles or other official vehicles upon the temporary 750 East Road described as follows:

SEE ATTACHED EXHIBIT "A"

If Naples City becomes aware of any damage or deficiency in the surface of the road including weight limit concerns or of the need to remove snow or weeds or any other obstacle to safe and passable traffic, City shall give notice to Developer at:

The Ritchie Group attention Pheasant Run Estates One, LLC
1245 Brickyard Rd. Suite 70
Salt Lake City, UT 84106
Tel. 801-433-2200

It shall be the responsibility of Developer to immediately inform City of any change of address or telephone number at which notice should be given.

At such time as the road called for in the "Naples City Private Project Development Bond Secured By Real Property" is completed to the satisfaction of the city the trust deed on land in Wasatch County State of Utah shall be released.

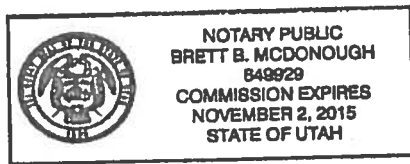
by: Dean Baker
Dean Baker, Mayor

Nikki Kay
Nikki Kay, City Recorder

Robert D. Heywood
Pheasant Run Estates One, LLC
by: The Ritchie Group LLC, it's manager
by: Robert D. Heywood, it's manager

STATE OF UTAH)
) ss.
COUNTY OF UINTAH)

On this 9th day of July, 2015, Robert D. Heywood, personally appeared before me, Brett McDonough, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that he is the manager of Ritchie Group LC, which is the manager of Pheasant Run Estates One, LLC and that said document was signed by him in behalf of said entities by authority of its Operating Agreement, and said Robert D. Heywood acknowledged to me that said companies executed the same.



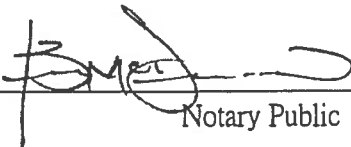

Notary Public

EXHIBIT "A"

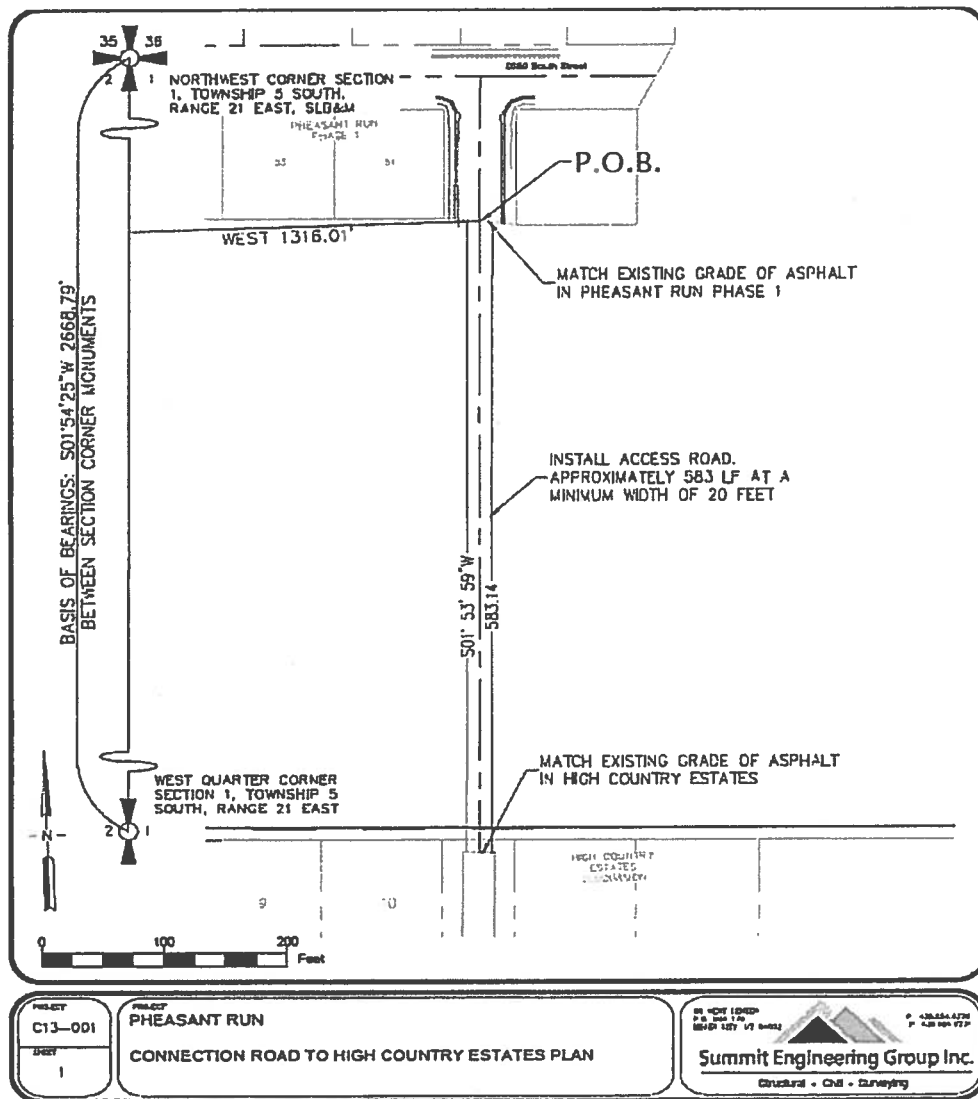
EMERGENCY SERVICES ACCESS EASEMENT ALONG TEMPORARY 750 EAST ROAD

THE FOLLOWING LEGAL DESCRIPTION DESCRIBES THE CENTERLINE OF A 20 FOOT EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS OF EMERGENCY SERVICES VEHICLES.

BEGINNING AT A POINT THAT LIES SOUTH 01°54'25" WEST 1150.08 FEET ALONG THE SECTION LINE AND WEST 1316.01 FEET FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE

SOUTH 01°53'59" WEST A DISTANCE OF 583.14 TO A POINT OF TERMINUS.

THE BASIS OF BEARINGS FOR SAID EASEMENT DESCRIPTION BEING SOUTH 01°54'25" EAST BETWEEN THE FOUND MONUMENTS FOR THE NORTHWEST AND WEST QUARTER CONERS OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN



SV
WREH

Addendum to Naples City Private Project Development Bond Secured by Real Property

Pheasant Run Estates One, LLC and Naples City previous entered into a "Naples City Private Project Development Bond Secured by Real Property."

That Agreement/Bond required, among other things, the construction of 750 East Street in the Pheasant Run Subdivision to connect to 750 East in the High Country Estates Subdivision to be completed on or before June 1, 2014.

The parties hereby agree that the time for performance of requirements set forth in that Agreement/Bond is hereby extended by one year. The performances required by Pheasant Run Estates One, LLC must be completed on or before June 1, 2015. All other terms and conditions and provisions of said "Naples City Private Project Development Bond Secured by Real Property" remain in full force and effect.

DATED this 5 day of MAY, 2014.

Naples City:

by:

Dean Baker, Mayor

Attest:

Nikki Kay, City Recorder

Pheasant Run Estates One, LLC

The Ritchie Group, LLC, Manager

by:

Robert A. Heywood, Manager

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

On this 10th day of JUNE, 2014, personally appeared before me, ROB HEYWOOD, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that he is the ~~sole Member~~ MANAGER of Pheasant Run Estates One, LLC and that said document was signed by him in behalf of said LLC by authority of its Operating Agreement, and said Mr. Heywood acknowledged to me that said LLC executed the same.

[Signature]
Notary Public

**NAPLES CITY
PRIVATE PROJECT DEVELOPMENT BOND
SECURED BY REAL PROPERTY**

RE: Naples City Subdivision Plat for Pheasant Run Estates Phase I and Phase IA
Current Owner/Developer/Contractor: Pheasant Run Estates One, LLC

KNOW ALL PERSONS BY THESE PRESENTS: That Pheasant Run Estates One, LLC and Ritchie Enterprises LP, being entities organized under or authorized to do business pursuant to the laws of the State of Utah (hereinafter called the "Principal"), are firmly bound unto Naples City ("City"), State of Utah for the sums and performances set forth and defined in this agreement, as to which we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents. THE CONDITIONS and duties of the obligation are such that:

WHEREAS, the above named Principal has agreed to construct and install certain improvements in connection with a project (Pheasant Run) as described herein within the City; and

WHEREAS, in order to provide security for the obligation of the Principal to construct, repair, maintain and/or replace said improvements and to warranty workmanship, materials or installation for a period of twelve (12) months after written and final acceptance of the same and approval by the City; and

WHEREAS, in order to induce the City to release the Escrow Bond Security Agreement, dated May 9, 2007 with Heber Valley Bank held for the City in connection with subdivision improvements;

NOW, THEREFORE, this Bond has been executed and is hereby submitted to the City. It is understood and agreed that this obligation shall continue in effect until released in writing by Naples City, but only after the Principal has performed and satisfied the following conditions:

A. The work or improvements required to be installed by the Principal and subject to the terms and conditions of this Bond are the uncompleted required and necessary subdivision improvements for Phase I of Pheasant Run Estates Subdivision including the following:

Road to High Country Estates at 750 East at least 20 feet wide that can support at least 75,000 lbs axle weight. It is understood that this road is not suitable for development of adjoining lots and will only serve to provide emergency access. A road that conforms to City

ordinances must be built in order to develop lots. The road must be completed by Principal and accepted by Naples City no later than June 1, 2014.

B. The Principal agrees that the work and improvements installed in the above-referenced project shall remain free from defects in material, workmanship and installation and from damage or failure from any cause (or, in the case of landscaping, shall survive), for a period of twelve (12) months after written and final acceptance of the same and approval by the City. Maintenance is defined as acts carried out to prevent a decline, lapse or cessation of the state of the project or improvements as accepted by the City during the twelve (12) month period after final and written acceptance, and includes, but is not limited to, repair or replacement of defective workmanship, materials or installations.

C. The Principal shall, at its sole cost and expense, carefully replace and/or repair any damage or defects in workmanship, materials or installation to the improvements which have been installed, and leave the same in as good condition as when accepted by the City.

D. The Principal agrees that in the event any of the improvements required by this Bond, or by the ordinances of the City or by the Agreements of the parties are not installed by June 1, 2014 to the satisfaction of Naples City, Naples City may immediately declare a default and direct the Trustee to record a Notice of Default and Election to Sell and proceed to enforce and/or foreclose on the Trust Deed which secures this instrument. In the event the road referred to herein is not completed by the deadline, Naples City shall have the option to cause the 20 foot wide road to be constructed and paved and built to a standard to support 75,000 lbs. axle weight by any means it deems appropriate. The full cost of construction of the road, including engineering, bid expenses and actual construction and other related costs and expenses, as well as Trustee and legal fees, shall be the responsibility of the Principal. The City may include in the bid specification and contract, the requirement that the contractor warranty maintaining the road for the period specified herein and such costs shall be included in the amount charged to the Principal.

The City may, at its election, foreclose the Trust Deed prior to the completion of the improvements required herein and apply the proceeds of the Trustee's Sale to the costs and expenses of construction and maintenance of the road or the City may cause the road to be constructed and the maintenance bond put in place prior to completion of the Trustee's Sale and apply the proceeds of the sale to the costs of such construction and maintenance bond.

In the event of default by the Principal, and should proceeds of a Trustee's Sale be insufficient to satisfy the obligations of the Principal, the Beneficiary may obtain a deficiency judgment as provided by law. The Principal further agrees that in the event any of the improvements or restoration work installed or completed by the Principal as described herein, fails to remain free

from damage, defects in materials, workmanship or installation for a period of twelve (12) months from the date of acceptance of the work by the City, the Principal shall repair and replace the same within ten (10) days of demand by the City, and if the Principal should fail to do so, then:

1. The City its employees and agents shall have the right at the City's sole election to enter onto said property described above for the purpose of repairing or maintaining the improvements. This provision shall not be construed as creating an obligation on the part of the City or its representatives to repair or maintain such improvements. The City shall charge the full costs of said work to Principal and against the note and land; or

2. The City may, at its election, contract with a contractor acceptable to the City to perform the work and charge the full costs and expenses including costs related to bidding, engineering and legal against the Principal and land securing this bond.

3. The City may immediately declare a default and direct the Trustee to record a Notice of Default and Election to Sell pursuant to the Trust Deed securing this Bond.

The performance of the obligations set forth herein on the part of the Principal is guaranteed by a trust deed executed on even date herewith. The liability of the Principal is not limited to the value of the real property posted as security in the deed of trust.

In the event of default in any required performance or failure to maintain the improvements as required in the ordinances of Naples City, the agreement between the parties and this bond, the Principal shall be liable in addition to the costs of construction, repair and maintenance for all costs and expenses incurred by City in enforcing those obligations including, but not limited to, legal fees, trustee's fees, and court costs if any incurred in connection with foreclosing on the trust deed and recovering and satisfying any deficiency judgment that may exist as well as administrative costs and expenses of the City.

E. Corrections. Any repairs or warranty work required by the City shall be commenced within ten (10) days of notification to Principal by the City and completed within thirty (30) days of the date of notification. If the work is not performed in a timely manner, the City shall have the right, without recourse to legal action, to take such action under this bond as described in Section D above.

F. Extensions and Changes. No change, extension of time, alteration or addition to the work to be performed by the Principal shall affect the obligation of the Principal on this bond, unless the City specifically agrees, in writing, to such alteration, addition, extension or change.

G. Enforcement. It is specifically agreed by and between the parties that in the event any legal action must be taken to enforce the provisions of this bond or to collect said bond, the prevailing party shall be entitled to collect its costs and reasonable attorney fees as a part of the resolution of these issues prior to the filing of any suit, the actual costs incurred by the City, including reasonable attorney fees, shall be considered a part of the obligation hereunder secured. Said costs and reasonable legal fees shall be recoverable by the prevailing party, not only from the proceeds of this bond, but also over and above said bond as a part of any recovery (including recovery on the bond) in any judicial proceeding. The Parties hereby agree that this Agreement shall be governed by the laws of the State of Utah. Venue of any litigation arising out of this Agreement shall be in the Eighth Judicial Court, Uintah County.

H. Bond Expiration. This bond shall remain in full force and effect until the obligations secured hereby been fully performed and until released in writing by City at the request of the Principal. Upon completion of the Principal's duties, the Principal shall then have fulfilled its obligations under this bond. The City shall then release the land and the real property and discharge this bond.

I. Additional Terms Incorporated Herein. The terms of the attached "Proposal for Release of Warranty Bond", except as they may directly conflict with the terms of this instrument or the Trust Deed are incorporated into and made a part of this instrument and shall be enforceable as part of this instrument.

DATED this 23 day of August, 2011.

The Ritchie Group LC, as Manager and Member of
Pheasant Run Estates One, LLC

By: [Signature]

Its MANAGER

Business Name: PHEASANT RUN ESTATES ONE, LLC

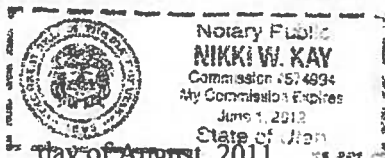
Business Address: 1245 BRICKYARD RD, STE. 70

City/State/Zip Code: SLC, UT 84106

Telephone Number: 801-433-7200

STATE OF UTAH)
) ss.
COUNTY OF UINTAH)

On this 23 day of August, 2011, personally appeared before me, Jayson Newitt, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that he is the Manager of The Ritchie Group, LC, and that said document was signed by him on behalf of said LC on authority of its Operating Agreement (or of a Resolution of its Members) as manager and member of Pheasant Run Estates One, LLC and said Mr. Newitt acknowledged to me that said LC executed the same.



Nikki W. Kay
Notary Public

DATED this 23 day of August, 2011.

Hamilton Finance, Inc., as general partner and authorized agent of

Ritchie Enterprises, LP

By: Robert D. Heywood

Its Vice President

Business Name: Ritchie Enterprises, LP

Business Address: 1245 Brickyard Rd. Ste. 70

City/State/Zip Code: SLE, UT 84106

Telephone Number: (801) 433-2200

STATE OF UTAH)
) ss.
COUNTY OF UINTAH)

On this 23 day of August, 2011, personally appeared before me, Robert D. Heywood, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that he is the Vice President of Hamilton Finance, Inc., and that said document was signed by him in behalf of said Corporation as the general partner and authorized agent of Ritchie Enterprises LP on authority of its Bylaws (or a Resolution

of its Directors), and said Mr. Heywood acknowledged to me that said Corporation and LP executed the same.

Phillip W. Kay
Notary Public

NAPLES CITY

By: _____
Its _____

Date: 8-23-2011

Naples City
1420 East 2850 South
Naples, UT 84078
(435) 789-9090



APPROVED AS TO FORM:

Dennis L. Judd
Dennis L. Judd
Naples City Attorney

(MR) Naples Pleasant Run Maintenance Bond 072611.wpd



JONATHAN K. HANSEN
801.854.1930
jhansen@chilaw.com

August 5, 2011

Dennis L. Judd, Esq.
497 S. Vernal Ave.
Vernal, Utah 84078

Re: Proposal for Release of Warranty Bond

Dear Mr. Judd:

This letter is in response to your suggested revisions to our proposal dated July 11, 2011. As you recall, we last met in person on July 6, 2011 at the office of the City of Naples (the "*City*"). As you know, we came to a tentative resolution of the matters related to the future road labeled "750 East Street" (the "*Road*") on that certain Pheasant Run Estates Subdivision Plat dated September 1, 2007 (the "*Plat*") and the release of the Warranty Bond (the "*Bond*") previously entered into by and among Pheasant Run Estates One, LLC (the "*Developer*"), the City and Heber Valley National Bank (the "*Lender*"). This letter outlines that proposal so that it can be considered and, hopefully, approved on your side.

- The Developer will build the Road the earlier of the Funds Available Date (defined hereafter) and June 1, 2014.
- The obligation to build the Road will be secured by a first trust deed position on real property in Heber City, Wasatch County, Utah consistent of three acres with frontage along State Highway 40, a legal description for which is included herewith as Exhibit A (the "*Security*").
- The Developer will provide appraisal information regarding the Security indicating that the Security is worth not less than \$162,000.
- "*Funds Available Date*" shall mean the first date upon which the Developer has generated, from sales of house or lots, sufficient net cash to construct the Road, with allowance for debt service payments, normal operating costs and expenditures required for future sales. For avoidance of doubt, nothing herein shall limit the Developer's ability to make decisions regarding the use of cash generated from sales except that the Developer shall not distribute cash to equity owners prior to construction of the Road.
- The Developer and the City shall enter into a definitive bond agreement (the "*New Bond Agreement*") as soon as practicable after approval of this proposal.
- Immediately upon the entering into the New Bond Agreement, the City shall release all obligations under the existing Bond and shall provide a letter stating the same to the Lender and the Developer.
- Notwithstanding anything to the contrary herein, in the Plat or the Bond, the Security shall be limited to the cost of constructing a paved road that is 20' wide and can support a

Dennis L. Judd, Esq.
July 11, 2011
Page 2

75,000 lbs. axle weight (the "Emergency Access Road"). For avoidance of doubt, the construction of the Emergency Access Road shall not entitle the Developer to sell future lots with frontage on the Emergency Access Road; in order to do so the Developer will be required to comply with the requirements of the Plat and construct a road with the proper width and utilities, etc.

- The Developer acknowledges it will be responsible, at the time the next phase is built, for either (i) connecting the street lights in Phase 1 to one meter, whereupon the City will pay the power bill, or (ii) paying the power bill if the street lights are or remain connected to separate meters.

Please let us know your feedback, and whether you have any questions, concerns or comments at your earliest convenience.


Very truly yours,



Jonathan K. Hansen

cc: Paul Ritchie
Rob Heywood
Jayson Newitt

Memo to: City Council

From: Jim Harper 

Subject: Expenditures for Sealing 2500 so Road Repair

Recommendation: For the Council to approve expenditures for sealing the 2500 so road repair \$750.00 from 60-263

Summary Because of the time delay the contractor has agreed to seal the section repaired. But with a immobilization fee. This fee is small because some of his equipment is headed to Colorado for another job.



Utah Retirement Systems
PO Box 1590
Salt Lake City, UT 84110-1590
801-366-7770
800-695-4877 Toll Free
801-366-7759 Fax

May 29, 2015

Dear Employer,

The 2015 Utah State Legislature passed House Bill 347 which authorizes a "window" for employers and members of the Tier 1 Public Employee Contributory Retirement System to enroll in the Tier 1 Public Employees Noncontributory Retirement System.

As an employer currently offering the Tier 1 Public Employee Contributory Retirement System, you have from July 1, 2015 to December 31, 2015 to indicate to Utah Retirement Systems whether or not you will enact this resolution and allow members to enroll in the Tier 1 Public Employee Noncontributory Retirement System.

Prior to making a decision you are required to hold a hearing at which all public employees are given an opportunity to speak to the issue of participating in the Public Employee Noncontributory Retirement System. For more information concerning time sensitive notifications and public hearings please visit <http://le.utah.gov/~2015/bills/static/HB0347.html>.

The Employer Transfer Form and a Summary of Differences between the two Public Employee Retirement Systems are attached to assist you with this decision and process. Your URS Marketing Representative is happy to schedule time to meet with employees and be available for hearings. Ryan Ashcraft can be reached at 801-366-7414 to help with this scheduling.

If you enact this resolution, your current Tier 1 employees will be contacted by our office and given a six month period to make an election whether or not to transfer to the Public Employee Noncontributory Retirement System. Employees hired after the Employer's election effective date will be automatically enrolled in the Public Employee Noncontributory Retirement System.

If you have questions about this letter, the enclosed form, or correspondence your employees may be receiving please call the Employer Line at 801-366-7318 or 800-753-7318.

Sincerely,

Matthew K. Judd
Director
Records Management Department

Date: Aug 11, 2015

MEMO TO: City Council

FROM: Chief Watkins

SUBJECT: Training

Recommendation:

Advanced Drug Interdiction in Rural areas class.

Summary:

This training is sponsored by POST and is free. Meals and hotel is the only cost.

August 13, 2015

MEMO TO: City Council

FROM: Joshua Bake, City Administrator ⚡

SUBJECT: Utah League of Cities and Towns Annual Convention

Recommendation:

That Council, approve a travel/training request to attend the Utah League of Cities and Towns Annual Convention in Salt Lake City from September 14-18

Summary:

This is a highly recommended training from the League.

This three-day conference, held every September in Salt Lake City, highlights important municipal topics. Keynote addresses, concurrent workshops and a trade show provide excellent information for all who attend. At the Annual ULCT Business Meeting (included in this conference) League policies are formed and officers and board members are elected.